

From: [Jensen, Amy A.](#)
To: [Lyons, Ellen H CIV USARMY CEPOA \(USA\)](#)
Cc: [Szerlog, Michael](#); john.C.Sargent@usace.army.mil; [Whitley, Annie](#); [Morgan, Shannon R CIV USARMY CEPOA \(US\)](#)
Subject: RE: EPA's Comments on POA-2013-00396
Date: Thursday, November 7, 2019 2:32:00 PM
Attachments: [404q factsheet.pdf](#)

Hi Ellen,

Regarding the request for a map, as explained in EPA's fact sheet on the Clean Water Act Section 404(q) dispute resolution process (attached), an Aquatic Resource of National Importance (ARNI) is a resource-based threshold used to determine whether a dispute between EPA and the Corps regarding individual permit cases are eligible for elevation under the 1992 MOA. Factors used in identifying ARNIs include: economic importance of the aquatic resource, rarity or uniqueness, and/ or importance of the aquatic resource to the protection, maintenance, or enhancement of the quality of the Nation's waters.

In previous circumstances, nationally, EPA has identified Chesapeake Bay grass beds, vernal pools, bottomland hardwood wetlands, sub-alpine fens, bogs, and coastal marshes as ARNIs. In the case of Ambler Access project, we have designated the Kobuk River and associated tributaries and wetlands and the Koyukuk River, including tributaries and adjacent wetlands as ARNIs. The EPA also identified the Nutuvukti fen within the Kobuk River watershed as an ARNI for the Ambler project.

As we all know, no map exists that fully represents the "waters of the United States" that are presumptively jurisdictional under the CWA in this part of Alaska. To make such a map, a geospatial dataset would need to be developed using a method approved by the EPA and the Corps, be within the specifications for the dataset, and be approved by the agencies to be of sufficient quality. Since such geospatial datasets are not currently available, EPA is not able to provide a map that fully identifies all of the waters that will receive substantial and unacceptable adverse impacts from the Ambler project.

-Amy

Amy Jensen
Regional Wetland Coordinator
U.S. EPA, Region 10
Wetlands and Oceans Section, Water Division
1200 6th Ave, Suite #155, Mail Stop 14-D12
Seattle, Washington 98101-3188
Office: (206) 553-0285; Cell: (b) (6)
Email: jensen.amy@epa.gov

-----Original Message-----

From: Whitley, Annie <Whitley.Annie@epa.gov>
Sent: Monday, November 4, 2019 2:03 PM
To: Jensen, Amy A. <jensen.amy@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: EPA's Comments on POA-2013-00396

FYI

-----Original Message-----

From: Lyons, Ellen H CIV USARMY CEPOA (USA) <Ellen.H.Lyons@usace.army.mil>
Sent: Monday, November 4, 2019 1:58 PM
To: Whitley, Annie <Whitley.Annie@epa.gov>
Cc: Sargent, John C CIV CEPOA CEPOD (US) <John.C.Sargent@usace.army.mil>; Morgan, Shannon R CIV

USARMY CEPOA (US) <Shannon.R.Morgan@usace.army.mil>
Subject: FW: EPA's Comments on POA-2013-00396

Hey Annie, would it be possible to get a map of the areas you are designating as an ARNI for Ambler? I would like to make sure we fully understand the full area you are designating. No need for a hard copy.

Thank you!

Ellen Lyons
(b) (6)

-----Original Message-----

From: Whitley, Annie [<mailto:Whitley.Annie@epa.gov>]
Sent: Wednesday, October 30, 2019 6:30 AM
Subject: [Non-DoD Source] EPA's Comments on POA-2013-00396

FYI in case these were not already shared with you.

Annie Whitley

Environmental Scientist

Wetlands & Oceans Section

Water Division

EPA, Region 10

206.553.0058